S.B. CIVIL WRIT PETITION No.3337/2002
SMT. NIRMALA JOSHI & Anr. V/S STATE OF RAJ. & Ors.

6.2.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Ravi Shankar Sharma for the petitioners.
Shri Parag Rastogi for the respondents.
Shri B.S. Chhaba, Dy. G.A.

This writ petition has been filed by the petitioners with the prayer that respondent No.4, Shri Ramavtar Rawat may be directed to convene the meeting of Gram Panchayat at revenue village at Keshwana Rajput and the respondents No. 1 to 3 may be directed to initiate disciplinary proceedings against Shri Ramavtar Rawat for not doing so. The petitioner claimed the same relief in a civil suit, records relating to which are on record. A perusal of it reveals that the issue raised therein is the same which the petitioner has raised in the present writ petition. In that case, the application of plaintiff Nirmala Devi for temporary injunction was declined by the trial court vide order dated 24.4.2001. The petitioner filed an appeal there against before the court of Addl. Sessions Judge, Kotpurali who vide order dated 8.8.2003 issued the temporary injunction

directing the defendant to hold meeting of the Gram Panchayat of village Keshwana Rajput. The respondent No.4 Ramavtar Rawat who was then Sarpanch of the Gram Panchayat, applied for, his impleadment in the said suit. When his application was rejected, he approached this court by filing writ petition in which the direction was given for his impleadment as defendant. It was thereafter that he filed an application under O.39 R.4 CPC seeking modification/vacation of the temporary injunction order. When this application was rejected by the court of Addl. Sessions Judge, Kotputali vide order dated 28.8.03, he filed civil miscellaneous appeal (C.M.A.) against such order which is also of on board today. It is informed that new election to the Gram Panchayat has taken place in which one Ram Niwas has been elected as Sarpanch but at the same time, Smt. Nirmala Joshi has also been re-elected as Panch but the petitioner No.2 Smt. Sugra Devi has not been so elected. The said Civil Misc. Appeal No.2654/04, Ram Avtar V/s State of Rajasthan is already under consideration of the court. I therefore do not see

any justification for continuing this petition.

This writ petition is accordingly dismissed.

(Mohammad Rafiq),J.

Chauhan